

104TH CONGRESS
1ST SESSION

S. 403

To amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14 (legislative day, JANUARY 30), 1995

Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUE, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Readjustment Counsel-
5 ing Service Amendments of 1995”.

1 **SEC. 2. ORGANIZATION OF THE READJUSTMENT COUNSEL-**
2 **ING SERVICE IN THE DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 7305 of title 38, United
5 States Code, is amended—

6 (1) by redesignating paragraph (7) as para-
7 graph (8); and

8 (2) by inserting after paragraph (6) the follow-
9 ing new paragraph (7):

10 “(7) A Readjustment Counseling Service.”.

11 (b) ORGANIZATION.—The Readjustment Counseling
12 Service shall have the organizational structure and admin-
13 istrative structure of that service as such structures were
14 in existence on January 1, 1993.

15 (c) REVISION OF ORGANIZATIONAL STRUCTURE.—

16 (1) The Secretary of Veterans Affairs may not alter or
17 revise the organizational structure or the administrative
18 structure of the Readjustment Counseling Service until—

19 (A) the Secretary has submitted to the Commit-
20 tees on Veterans’ Affairs of the Senate and House
21 of Representatives a report containing a full and
22 complete statement of the proposed alteration or re-
23 vision; and

24 (B) a period of 60 days has elapsed after the
25 date on which the report is received by the commit-
26 tees.

1 (2) In the computation of the 60-day period under
2 paragraph (1)(B), there shall be excluded any day on
3 which either House of Congress is not in session because
4 of an adjournment of more than 3 calendar days to a day
5 certain.

6 (d) BUDGET INFORMATION RELATING TO THE SERV-
7 ICE.—Each budget submitted to Congress by the Presi-
8 dent under section 1105 of title 31, United States Code,
9 shall set forth the amount requested in the budget for the
10 operation of the Readjustment Counseling Service in the
11 fiscal year covered by the budget and shall set forth sepa-
12 rately the amount requested for administrative oversight
13 of the activities of the service (including the amount re-
14 quested for funding of the Advisory Committee on Read-
15 justment of Veterans).

16 **SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING**
17 **SERVICE.**

18 (a) DIRECTOR.—Section 7306(b) of title 38, United
19 States Code, is amended—

20 (1) by striking out “and” at the end of para-
21 graph (2);

22 (2) by striking out the period at the end of
23 paragraph (3) and inserting in lieu thereof “; and”;
24 and

25 (3) by adding at the end the following:

1 “(4) one shall be a person who (A)(i) is a quali-
2 fied psychiatrist, (ii) is a qualified psychologist hold-
3 ing a diploma as a doctorate in clinical or counseling
4 psychology from an authority approved by the Amer-
5 ican Psychological Association and has successfully
6 undergone an internship approved by that associa-
7 tion, (iii) is a qualified holder of a master in social
8 work degree, or (iv) is a registered nurse holding a
9 master of science in nursing degree in psychiatric
10 nursing or any other mental-health related degree
11 approved by the Secretary, and (B) has at least 3
12 years of clinical experience and 2 years of adminis-
13 trative experience in the Readjustment Counseling
14 Service or other comparable mental health care
15 counseling service (as determined by the Secretary),
16 who shall be the director of the Readjustment Coun-
17 seling Service.”.

18 (b) STATUS OF DIRECTOR.—Section 7306(a)(3) of
19 such title is amended by striking out “eight” and inserting
20 in lieu thereof “nine”.

21 (c) ORGANIZATIONAL REQUIREMENT.—The Director
22 of the Readjustment Counseling Service shall report to the
23 Under Secretary for Health of the Department of Veter-
24 ans Affairs through the Associate Deputy Under Secretary
25 for Health for Clinical Programs.

1 **SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT**
2 **COUNSELING AND CERTAIN RELATED COUN-**
3 **SELING SERVICES.**

4 (a) READJUSTMENT COUNSELING.—(1) Subsection
5 (a) of section 1712A of title 38, United States Code, is
6 amended to read as follows:

7 “(a)(1)(A) Upon the request of any veteran referred
8 to in subparagraph (B) of this paragraph, the Secretary
9 shall furnish counseling to the veteran to assist the vet-
10 eran in readjusting to civilian life.

11 “(B) A veteran referred to in subparagraph (A) of
12 this paragraph is any veteran who—

13 “(i) served on active duty during the Vietnam
14 era; or

15 “(ii) served on active military, naval, or air
16 service in a theater of combat operations (as deter-
17 mined by the Secretary, in consultation with the
18 Secretary of Defense) during a period of war or in
19 any other area during a period in which hostilities
20 (as defined in subparagraph (D) of this paragraph)
21 occurred in such area.

22 “(C) Upon the request of any veteran other than a
23 veteran referred to in subparagraph (A) of this paragraph,
24 the Secretary may furnish counseling to the veteran to as-
25 sist the veteran in readjusting to civilian life.

1 “(D) For the purposes of subparagraph (A) of this
2 paragraph, the term ‘hostilities’ means an armed conflict
3 in which the members of the Armed Forces are subjected
4 to danger comparable to the danger to which members of
5 the Armed Forces have been subjected in combat with
6 enemy armed forces during a period of war, as determined
7 by the Secretary in consultation with the Secretary of De-
8 fense.

9 “(2) The counseling referred to in paragraph (1)
10 shall include a general mental and psychological assess-
11 ment of a covered veteran to ascertain whether such vet-
12 eran has mental or psychological problems associated with
13 readjustment to civilian life.”.

14 (2) Subsection (c) of such section is repealed.

15 (b) OTHER COUNSELING.—Such section is further
16 amended by inserting after subsection (b) the following
17 new subsection (c):

18 “(c)(1) The Secretary shall provide the counseling
19 services described in section 1701(6)(B)(ii) of this title to
20 the surviving parents, spouse, and children of any member
21 of the Armed Forces who is killed during service on active
22 military, naval, or air service in a theater of combat oper-
23 ations (as determined by the Secretary, in consultation
24 with the Secretary of Defense) during a period of war or
25 in any other area during a period in which hostilities (as

1 defined in subsection (a)(1)(D) of this section) occurred
2 in such area.

3 “(2) The Secretary may provide the counseling serv-
4 ices referred to in paragraph (1) to the surviving parents,
5 spouse, and children of any member of the Armed Forces
6 who dies while serving on active duty or from a condition
7 (as determined by the Secretary) incurred in or aggra-
8 vated by such service.”.

9 (c) AUTHORITY TO CONTRACT FOR COUNSELING
10 SERVICES.—Subsection (e) of such section is amended by
11 striking out “subsections (a) and (b)” each place it ap-
12 pears and inserting in lieu thereof “subsections (a), (b),
13 and (c)”.

14 **SEC. 5. ADVISORY COMMITTEE ON THE READJUSTMENT OF**
15 **VETERANS.**

16 (a) IN GENERAL.—(1) Subchapter II of chapter 17
17 of title 38, United States Code, is amended by inserting
18 after section 1712B the following:

19 **“§1712C. Advisory Committee on the Readjustment**
20 **of Veterans**

21 “(a)(1) There is in the Department the Advisory
22 Committee on the Readjustment of Veterans (hereafter in
23 this section referred to as the ‘Committee’).

1 “(2) The Committee shall consist of not more than
2 18 members appointed by the Secretary from among vet-
3 erans who—

4 “(A) have demonstrated significant civic or pro-
5 fessional achievement; and

6 “(B) have experience with the provision of vet-
7 erans benefits and services by the Department.

8 “(3) The Secretary shall seek to ensure that members
9 appointed to the Committee include persons from a wide
10 variety of geographic areas and ethnic backgrounds, per-
11 sons from veterans service organizations, and women.

12 “(4) The Secretary shall determine the terms of serv-
13 ice and pay and allowances of the members of the Commit-
14 tee, except that a term of service may not exceed 2 years.
15 The Secretary may reappoint any member for additional
16 terms of service.

17 “(b)(1) The Secretary shall, on a regular basis, con-
18 sult with and seek the advice of the Committee with re-
19 spect to the provision by the Department of benefits and
20 services to veterans in order to assist veterans in the read-
21 justment to civilian life.

22 “(2)(A) In providing advice to the Secretary under
23 this subsection, the Committee shall—

24 “(i) assemble and review information relating to
25 the needs of veterans in readjusting to civilian life;

1 “(ii) provide information relating to the nature
2 and character of psychological problems arising from
3 service in the Armed Forces;

4 “(iii) provide an on-going assessment of the ef-
5 fectiveness of the policies, organizational structures,
6 and services of the Department in assisting veterans
7 in readjusting to civilian life; and

8 “(iv) provide on-going advice on the most ap-
9 propriate means of responding to the readjustment
10 needs of veterans in the future.

11 “(B) In carrying out its duties under subparagraph
12 (A), the Committee shall take into special account veter-
13 ans of the Vietnam era, and the readjustment needs of
14 such veterans.

15 “(c)(1) Not later than March 31 of each year, the
16 Committee shall submit to the Secretary a report on the
17 programs and activities of the Department that relate to
18 the readjustment of veterans to civilian life. Each such
19 report shall include—

20 “(A) an assessment of the needs of veterans
21 with respect to readjustment to civilian life;

22 “(B) a review of the programs and activities of
23 the Department designed to meet such needs; and

1 “(C) such recommendations (including rec-
2 ommendations for administrative and legislative ac-
3 tion) as the Committee considers appropriate.

4 “(2) Not later than 90 days after the receipt of each
5 report under paragraph (1), the Secretary shall transmit
6 to the Committees on Veterans’ Affairs of the Senate and
7 House of Representatives a copy of the report, together
8 with any comments and recommendations concerning the
9 report that the Secretary considers appropriate.

10 “(3) The Committee may also submit to the Sec-
11 retary such other reports and recommendations as the
12 Committee considers appropriate.

13 “(4) The Secretary shall submit with each annual re-
14 port submitted to the Congress pursuant to section 529
15 of this title a summary of all reports and recommendations
16 of the Committee submitted to the Secretary since the pre-
17 vious annual report of the Secretary submitted pursuant
18 to that section.

19 “(d)(1) Except as provided in paragraph (2), the pro-
20 visions of the Federal Advisory Committee Act (5 U.S.C.
21 App.) shall apply to the activities of the Committee under
22 this section.

23 “(2) Section 14 of such Act shall not apply to the
24 Committee.”.

1 (2) The table of sections at the beginning of chapter
2 17 of such title is amended by inserting after the item
3 relating to section 1712B the following:

“1712C. Advisory Committee on the Readjustment of Veterans.”.

4 (b) ORIGINAL MEMBERS.—(1) Notwithstanding sub-
5 section (a)(2) of section 1712C of such title (as added by
6 subsection (a)), the members of the Advisory Committee
7 on the Readjustment of Vietnam and Other War Veterans
8 on the date of the enactment of this Act shall be the origi-
9 nal members of the advisory committee recognized under
10 such section.

11 (2) The original members shall so serve until the Sec-
12 retary of Veterans Affairs carries out appointments under
13 such subsection (a)(2). The Secretary shall carry out such
14 appointments as soon after such date as is practicable.
15 The Secretary may make such appointments from among
16 such original members.

17 **SEC. 6. PLAN FOR EXPANSION OF VIETNAM VETERAN RE-**
18 **SOURCE CENTER PILOT PROGRAM.**

19 (a) REQUIREMENT.—(1) The Secretary of Veterans
20 Affairs shall submit to the Committees on Veterans’ Af-
21 fairs of the Senate and House of Representatives a plan
22 for the expansion of the Vietnam Veteran Resource Center
23 program established pursuant to the amendment made by
24 section 105 of the Veterans’ Administration Health-Care
25 Amendments of 1985 (Public Law 99–166; 99 Stat. 944).

1 The plan shall include a schedule for, and an assessment
2 of the cost of, the implementation of the program at or
3 through all Department of Veterans Affairs readjustment
4 counseling centers.

5 (2) The Secretary shall submit the plan not later
6 than 4 months after the date of the enactment of this Act.

7 (b) DEFINITION.—In this section, the term “Depart-
8 ment of Veterans Affairs readjustment counseling cen-
9 ters” has the same meaning given the term “center” in
10 section 1712A(i)(1) of title 38, United States Code.

11 **SEC. 7. REPORT ON COLLOCATION OF VET CENTERS AND**
12 **DEPARTMENT OF VETERANS AFFAIRS OUT-**
13 **PATIENT CLINICS.**

14 (a) REQUIREMENT.—(1) The Secretary of Veterans
15 Affairs shall submit to the Committees on Veterans’ Af-
16 fairs of the Senate and House of Representatives a report
17 on the feasibility and desirability of the collocation of Vet
18 Centers and outpatient clinics (including rural mobile clin-
19 ics) of the Department of Veterans Affairs as current
20 leases for such centers and clinics expire.

21 (2) The Secretary shall submit the report not later
22 than 6 months after the date of the enactment of this Act.

23 (b) COVERED MATTERS.—The report under this sec-
24 tion shall include an assessment of the following:

1 (1) The results of any collocation of Vet Cen-
2 ters and outpatient clinics carried out by the Sec-
3 retary before the date of the enactment of this Act,
4 including the effects of such collocation on the qual-
5 ity of care provided at such centers and clinics.

6 (2) The effect of such collocation on the capac-
7 ity of such centers to carry out their primary mis-
8 sion.

9 (3) The extent to which such collocation will
10 impair the operational independence or administra-
11 tive integrity of such centers.

12 (4) The feasibility of combining the services
13 provided by such centers and clinics in the course of
14 the collocation of such centers and clinics.

15 (5) The advisability of the collocation of centers
16 and clinics of significantly different size.

17 (6) The effect of the locations (including urban
18 and rural locations) of the centers and clinics on the
19 feasibility and desirability of such collocation.

20 (7) The amount of any costs savings to be
21 achieved by Department as a result of such colloca-
22 tion.

23 (8) The desirability of such collocation in light
24 of plans for the provision of health care services by
25 the Department under national health care reform.

1 (9) Any other matters that the Secretary deter-
2 mines appropriate.

3 **SEC. 8. VET CENTER HEALTH CARE PILOT PROGRAM.**

4 (a) IN GENERAL.—The Secretary of Veterans Affairs
5 shall carry out a pilot program for the provision of health-
6 related services to eligible veterans at readjustment coun-
7 seling centers. The Secretary shall carry out the pilot pro-
8 gram in accordance with this section.

9 (b) SERVICES.—(1) In carrying out the pilot pro-
10 gram, the Secretary shall provide the services referred to
11 in paragraph (2) at not less than 10 readjustment counsel-
12 ing centers in existence on the date of the enactment of
13 this Act.

14 (2) The Secretary shall provide basic ambulatory
15 services and health care screening services by such person-
16 nel as the Secretary considers appropriate at each read-
17 justment counseling center under the pilot program. The
18 Secretary shall assign not less than one-half of a full-time
19 employee equivalent at each such center in order to pro-
20 vide such services under the pilot program.

21 (3) In determining the location of the readjustment
22 counseling centers at which to provide services under the
23 pilot program, the Secretary shall select centers that are
24 located in a variety of geographic areas and that serve vet-

1 erans of a variety of economic, social, and ethnic back-
2 grounds.

3 (c) PERIOD OF OPERATION.—(1) The Secretary shall
4 commence the provision of health-related services at read-
5 justment counseling centers under the pilot program not
6 later than 4 months after the date of the enactment of
7 this Act.

8 (2) The pilot program shall terminate 2 years after
9 the date on which the Secretary commences the provision
10 of services under paragraph (1).

11 (d) REPORT.—(1) The Secretary shall submit to Con-
12 gress a report on the pilot program established under this
13 section. The report shall include the following:

14 (A) A description of the program, including in-
15 formation on—

16 (i) the number of veterans provided basic
17 ambulatory services and health care screening
18 services under the pilot program;

19 (ii) the number of such veterans referred
20 to Department of Veterans Affairs general
21 health-care facilities in order to provide such
22 services to such veterans; and

23 (iii) the cost to the Department of Veter-
24 ans Affairs of the pilot program.

1 (B) An analysis of the effectiveness of the serv-
2 ices provided to veterans under the pilot program.

3 (C) The recommendations of the Secretary for
4 means of improving the pilot program, and an esti-
5 mate of the cost to the Department of implementing
6 such recommendations.

7 (D) An assessment of the desirability of ex-
8 panding the type or nature of services provided
9 under the pilot program in light of plans for the pro-
10 vision of health care services by the Department
11 under national health care reform.

12 (E) An assessment of the extent to which the
13 provision of services under the pilot program impairs
14 the operational or administrative independence of
15 the readjustment counseling centers at which such
16 services are provided.

17 (F) An assessment of the effect of the location
18 of the centers on the effectiveness for the Depart-
19 ment and for veterans of the services provided under
20 the pilot program.

21 (G) Such other information as the Secretary
22 considers appropriate.

23 (2) The Secretary shall submit the report not later
24 than 18 months after the date of the enactment of this
25 Act.

1 (e) DEFINITIONS.—For the purposes of this section:

2 (1) The term “Department of Veterans Affairs
3 general health-care facility” has the meaning given
4 such term in section 1712A(i)(2) of title 38, United
5 States Code.

6 (2) The term “eligible veteran” means any vet-
7 eran eligible for outpatient services under paragraph
8 (1), (2), or (3) of section 1712(a) of such title.

9 (3) The term “readjustment counseling center”
10 has the same meaning given the term “center” in
11 section 1712A(i)(1) of such title.

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